

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY :  
AVERAGE WHOLESALE PRICE : MDL NO. 1456  
LITIGATION :  
: Civil Action No. 01-12257-PBS  
: :  
: Judge Patti B. Saris  
: (case pending in D. Mass.)  
THIS DOCUMENT RELATES TO THE :  
CONSOLIDATED CLASS ACTION : MAY 24, 2006

**NON-PARTY NATIONAL HERITAGE INSURANCE COMPANY INC'S MOTION  
FOR LEAVE TO FILE REPLY TO DEFENDANTS' OPPOSITION TO ITS CROSS-  
MOTION TO QUASH SUBPOENAS**

Pursuant to Local Rule 7.1(B)(3), National Heritage Insurance Company ("NHIC") moves for leave to file this Reply to Track Two Defendants' Opposition to NHIC's Cross-Motion to Quash for the following reasons:

1. Defendants' Opposition raises new allegations that purportedly bolster its request for sanctions, costs, and fees;
2. Defendants' Opposition makes new arguments of law in support of its request for documents from non-party NHIC that were never requested in any subpoena for production of documents issued pursuant to Fed. R. Civ. P. 45;

3. NHIC respectfully requests a leave to file a Reply to Defendants' Opposition to respond to Defendants' new allegations and arguments.

Dated: May 24, 2006, Hartford, Connecticut.

**NON-PARTY  
NATIONAL HERITAGE INSURANCE COMPANY**

By:



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**RULE 7.1 CERTIFICATION**

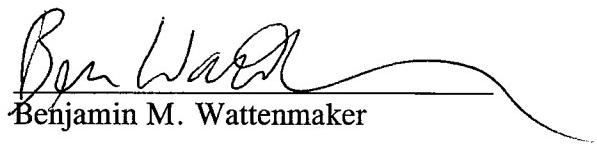
Pursuant to Local Rule 7.1(A)(2), the undersigned counsel certifies that opposing counsel was contacted for the purpose of attempting to resolve the issue raised by this motion, and that opposing counsel did not assent to the relief requested herein.



Benjamin M. Wattenmaker, Esq.

**CERTIFICATION**

This is to certify that a copy of the foregoing was sent via electronic transmission on this 24th day of May, 2006, or by mail to anyone unable to accept electronic filing. Parties may access this filing through the Court's system.



The image shows a handwritten signature in black ink, which appears to read "Ben Wattenmaker". Below the signature, the name "Benjamin M. Wattenmaker" is printed in a standard black font.

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